

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES	)	
CORPORATION,	)	C.A. No. 16-122-LPS
	)	
Plaintiff,	)	<b>JURY TRIAL DEMANDED</b>
	)	
v.	)	<b>PUBLIC VERSION</b>
	)	
Groupon, Inc.,	)	
	)	
Defendant.	)	

**DECLARATION OF BRIAN D. MATTY IN SUPPORT OF IBM'S OPENING BRIEF IN  
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT OF NO INVALIDITY  
OF THE ASSERTED CLAIMS OF U.S. PATENT NO. 5,961,601 IN VIEW OF  
AMAZON AND NO INVALIDITY OF CLAIMS 9, 10, 58, AND 59 OF  
U.S. PATENT NO. 5,961,601**

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International Business Machines Corporation*

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5663339 / 43155

I, Brian D. Matty, declare as follows:

1. I am an attorney with the law firm of Desmarais LLP, counsel of record for Plaintiff International Business Machines Corporation (“IBM”) in the above-captioned matter, and I am admitted *pro hac vice* to this Court. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. I make this declaration in support of IBM’s Opening Brief in Support of Its Motion For Summary Judgment Of No Invalidity Of The Asserted Claims Of U.S. Patent No. 5,961,601 In View Of Amazon And No Invalidity Of Claims 9, 10, 58, And 59 Of U.S. Patent No. 5,961,601.

3. Attached hereto as Exhibit A is a true and correct copy of excerpts from the Opening Expert Witness Report of Dr. Jon B. Weissman on Invalidity (Corrected), which is dated October 6, 2017. Annotations added for clarity. **Filed Under Seal.**

4. Attached hereto as Exhibit B is a true and correct copy of excerpts from the February 9, 2018 deposition of Dr. Jon Weissman. Annotations added for clarity. **Filed Under Seal.**

5. Attached hereto as Exhibit C is a true and correct copy of excerpts from the November 16, 2017 deposition of Paul Davis. Annotations added for clarity. **Filed Under Seal.**

6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the Supplemental Reply Expert Witness Report of Dr. Jon B. Weissman on Invalidity, which is dated December 20, 2017. Annotations added for clarity. **Filed Under Seal.**

7. Attached hereto as Exhibit E is a true and correct copy of excerpts from the Reply Expert Witness Report of Dr. Jon B. Weissman on Invalidity, which is dated December 6, 2017. Annotations added for clarity. **Filed Under Seal.**

8. Attached hereto as Exhibit F is a true and correct copy of excerpts from the Rebuttal Expert Report of Douglas C. Schmidt Concerning Validity of U.S. Patent Nos. 5,796,967, 7,072,849, 5,961,601, and 7,631,346, which is dated November 3, 2017. Annotations added for clarity. **Filed Under Seal.**

9. Attached hereto as Exhibit G is a true and correct copy of a document bearing bates stamp AMAZON-SC-000983-AMAZON-SC-000986. Exhibit G was Exhibit 27 to the February 9, 2018 deposition of Dr. Jon Weissman. Annotations added for clarity. **Filed Under Seal.**

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on March 5, 2018, in New York, NY.

/s/ Brian D. Matty

Brian D. Matty (*admitted pro hac vice*)